

REMARKS/ARGUMENTS

With this Amendment, Applicant amends claims 1, 2, 3, 16, 17, 21, 25, and 33. No new matter is added. Claims 1-10, 12-29, 31-34, 36-39 and 41-44 are all the claims currently pending in the application. Applicant acknowledges with appreciation the indication that claims 32, 37 and 42 are allowable. Based on the following remarks, Applicant respectfully requests reconsideration of the application and allowance of all the pending claims.

I. Rejection of Claims 1-10, 16, 17, 21-23 & 30 Under 35 U.S.C. § 103(a)

Claims 1-10, 16, 17, 21-23 and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Kadous (U.S. Pat. No. 6,636,568; hereinafter “Kadous”), in view of Thielecke, et al. (U.S. Pat. Publ. No. 2003/0003863; hereinafter “Thielecke”) and further in view of Boariu et al. (U.S. Patent No. 6,865,237; hereinafter “Boariu”).

Applicant points out that Boariu is a reference only under 35 U.S.C. § 102(e). As such, Applicant notes that Boariu is disqualified as prior art under 35 U.S.C. § 103(c) since the subject matter of Boariu and the claimed invention set forth in the present application were commonly owned by the same entity, Nokia Corporation, at the time the invention was made. For instance, Boariu is assigned to Nokia Mobile Phones, Ltd. as indicted at Reel/Frame Number 011486/0041. Likewise, the present application was assigned to Nokia Corporation as indicated at Reel/Frame Number 015097/0284 (enclosed herewith for the Examiner’s convenience) at the time the invention in the application for patent was made. Moreover, Nokia Mobile Phones, Ltd. was an auxiliary trade name of and has now been merged into Nokia Corporation, but, in any event, Boariu and the claimed invention were commonly owned by the same entity at the time the invention was made.

As correctly conceded by the Examiner, Kadous and Thielecke, alone or in combination, do not teach or suggest all of the features of independent claims 1, 16 and 21. (See pg. 4 of the Office Action) Therefore, since Boariu is disqualified as prior art under 35 U.S.C. § 103(c), Applicant respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of independent claims 1, 16 and 21 and their respective dependent claims 2-10, 17, 22-23 and 30.

II. Rejection of Claims 12-15 & 18-20 Under 35 U.S.C. § 103(a)

Claims 12-15 and 18-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kadous, Thielecke, Boariu, and further in view of Ketchum (U.S. Pat. No. 6,731,668; hereinafter “Ketchum”). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, the combination of Kadous, Thielecke and Boariu is deficient vis-à-vis independent claims 1 and 16, and Ketchum does not make up for the deficiencies of the combination of Kadous, Thielecke and Boariu and is not cited for such. As such, claims 12-15 and 18-20 are patentable at least by virtue of their respective dependencies from independent claims 1 and 16. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 12-15 and 18-20.

III. Rejection of Claims 27-29 Under 35 U.S.C. § 103(a)

Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kadous, Thielecke, Boariu and further in view of Kammoun, et al. (2003, 4th IEEE Workshop on Signal Processing Advances in Wireless Communication; hereinafter “Kammoun”). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, the combination of Kadous, Thielecke and Boariu is deficient vis-à-vis independent claims 1, 16 and 21, and Kammoun does not make up for the deficiencies of the combination of Kadous, Thielecke and Boariu and is not cited for such. As such, claims 27-29 are patentable at least by virtue of their respective dependencies from independent claims 1, 16 and 21. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 27-29.

IV. Rejection of Claims 31, 36 & 41 Under 35 U.S.C. § 103(a)

Claims 31, 36 and 41 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kadous, Thielecke, Boariu and further in view of Whang, et al. (U.S. Pat. No. 7,292,644; hereinafter “Whang”). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, the combination of Kadous, Thielecke and Boariu is deficient vis-à-vis independent claims 1, 16 and 21, and Whang does not make up for the deficiencies of the combination of Kadous, Thielecke and Boariu and is not cited for such. As such, claims 31, 36 and 41 are patentable at least by virtue of their respective dependencies from independent claims 1, 16 and 21. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 31, 36 and 41.

V. Rejection of Claims 33, 38 & 43 Under 35 U.S.C. § 103(a)

Claims 33, 38, and 43 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kadous, Thielecke and Boariu and further in view of Wu et al. (U.S. Pat. No. 7,103,326; hereinafter “Wu”). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, the combination of Kadous, Thielecke and Boariu is deficient vis-à-vis independent claims 1, 16 and 21, and Wu does not make up for the deficiencies of the combination of Kadous, Thielecke and Boariu and is not cited for such. As such, claims 33, 38 and 43 are patentable at least by virtue of their respective dependencies from independent claims 1, 16 and 21. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 33, 38 and 43.

VI. Rejection of Claims 34, 39 & 44 Under 35 U.S.C. § 103(a)

Claims 34, 39 and 44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kadous, Thielecke, Boariu, Wu and further in view of Li et al. (U.S. Pat. No. 7,068,628; hereinafter “Li”) Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, the combination of Kadous, Thielecke and Boariu is deficient vis-à-vis independent claims 1, 16 and 21 and Wu and Li, alone or in combination, do not make up for the deficiencies of the combination of Kadous, Thielecke and Boariu and is not cited for such. As such, claims 34, 39 and 44 are patentable at least by virtue of their respective dependencies from independent claims 1, 16 and 21. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 34, 39 and 44.

Appl. No.: 10/720,658
Amdt. dated June 15, 2009
Reply to Office action of March 16, 2009

VII. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Dean is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: 6865237

Issue Dt: 03/08/2005

Application #: 09676373

Filing Dt: 09/29/2000

Inventors: Adrian Boariu, Ari Hottinen, Olav Tirkkonen

Title: METHOD AND SYSTEM FOR DIGITAL SIGNAL TRANSMISSION

Assignment: 1

Reel/Frame: 011486/0041

Recorded: 01/29/2001

Pages: 7

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: BOARIU, ADRIAN

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Exec Dt: 01/02/2001

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Exec Dt: 01/02/2001

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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: NONE

Issue Dt:

Application #: 10720658

Filing Dt: 11/24/2003

Publication #: 20050113121

Pub Dt: 05/26/2005

Inventors: John Terry, Olav Tirkkonen

Title: Apparatus, and associated method, for communicating communication data in a multiple-input, multiple-output communication system

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Reel/Frame: 015097/0284

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Exec Dt: 12/29/2003

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Exec Dt: 12/10/2003

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